

R. I. STATE BOARD OF ELECTIONS
MINUTES OF MEETING
February 19, 2015

The Rhode Island State Board of Elections convened at 3:37 PM at the Rhode Island Board of Elections, a quorum included, Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry. Executive Director Robert Kando and Attorney Raymond Marcaccio were also in attendance.

The meeting was called to order by Chairman Pierce.

First order of business: The Board voted to certify mail ballots and preserve voids for the February 19, 2015 special election, ward 5, and council at large, Central Falls. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board voted to amend the order of the agenda. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board may meet in executive session pursuant to Rhode Island General Law 42-46-5(a)(2) to discuss and/or vote on *Andreza Skipworth v. Rhode Island Board of Elections, et al.*, RICHR #15ERA087-06/06 and DLT No. 1503604-00, and a personnel matter pursuant to R.I.G.L. 42-46-4 and 42-26-5(a)(1). Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board voted to seal the minutes of the executive session. . Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board voted to approve the minutes for the meeting held on January 29, 2015, subject to an amendment. Chairman Richard Pierce, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 5-0. Vice-Chairman William West abstained, noting he was not present for that meeting.

Next order of business: The Board voted to approve the minutes of the February 10, 2015. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, and Stephen Erickson all voting in the affirmative, no dissents, and

motion passed 5-0. Commissioner Perry abstained, noting that she was not present for that meeting.

Next order of business: The Board voted to approve the minutes for the meeting held on October 27, 2014 meeting, subject to an amendment (attached below inclusive of the amendment) . Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board voted to approve the following staff recommendations for proposed legislation for submission to the General Assembly:

Amend 17-25-10(a) (1) and 17-25-10(c) to include the candidate as an allowable recipient of campaign contributions, consistent with language throughout other sections of Chapter 25.

Amend 17-25-10(a)(4) to require all candidates to maintain a separate bank account as a depository of campaign funds which shall not be comingled with monies from other sources.

Amend 17-25-10(b) to eliminate the ambiguity of reporting requirements for an independent advocate following the enactment of 17-25.3

Amend 17-25-11(e) to allow a candidate who funds his/her own campaign, or who receives contributions in-kind from its political party to qualify for the annual filing exemption.

Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board voted to table for future discussion the following staff recommendation for proposed legislation to the General Assembly:

Amend 17-25-11(g) to cap total fines at \$1,000 and prohibit non-filers and candidates and committees with outstanding fines from declaring for office or accepting contributions or making expenditures until the non-compliance is remedied.

Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board took no action on proposed legislative recommendations by members of the board.

Next order of business: The Board considered legislation supported by Common Cause of Rhode Island and the ACLU of Rhode Island that would amend R.I. Gen. Laws § 42-35-18 for the purpose of subjecting the Board to the rule-making requirements of the Administrative Procedures Act. After hearing testimony from John Marion of Common Cause and Stephen Brown of the ACLU, the Board voted to have its legal counsel prepare a report on the impact of the proposed legislation. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Richard DuBois, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 6-0.

Next order of business: The Board inquired if the final budget submission for 2016 had been submitted to the Office of the Governor. Executive Director Robert Kando stated that it would be submitted shortly.

Next order of business: The Board voted that:

1. Staff shall report all requests to testify before legislative committees on budget and legislative matters to all members of the Board
2. Staff for the Board shall not testify for or against any legislation on behalf of the Board, or in a staff capacity, without prior determination of the Board's position by the full Board.

Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 5-0. (Commissioner DuBois was not present)

Next order of business: The Board took no action on bill S0058 (Lombardi) (allowing bake sales at polling places where appropriate).

Next order of business: The Board received a performance appraisal model from Commissioner Erickson. No other action.

At 5:00 PM. the Board voted to adjourn. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Stephen Erickson and Rhoda Perry all voting in the affirmative, no dissents, and motion passed 5-0 (Commissioner DuBois was not present).

ATTACHMENT

R. I. STATE BOARD OF ELECTIONS AMENDED MINUTES OF MEETING October 27, 2014

The Rhode Island State Board of Elections convened at 1:35 PM at the Rhode Island Board of Elections, a quorum included, Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego were present. Executive Director Robert Kando and legal counsel Raymond Marcaccio were also in attendance.

The meeting was called to order by Chairman Pierce.

First order of business: The Board voted to approve the minutes for the meetings held on September 17, 2014, and October 8, 2014. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative with no dissenting votes, motion passed 6-0.

The minutes for October 22, 2014, were passed off the agenda since they were not ready.

Next order of business: The Board heard testimony from Campaign Finance Director Richard Thornton, detailing his finding that Mr. Alfred Constantino failed to file an independent expenditure report with the board after making the expenditure in accordance with the statutory requirements, but when the filing requirement was brought to his attention, Mr. Constantino immediately became compliant. Mr. Thornton after noting the immediate compliance of Mr. Costantino recommended that the Board issue a warning. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion to issue a warning was passed 6-0.

Next order of business: The Board heard testimony from Campaign Finance Director Richard Thornton detailing the complaint against the Providence Firefighters IAFF Local 799 filed by Common Cause Rhode Island. Mr. Thornton noted that since the organization was funding it advocacy through its treasury, the IAFF disclaimer properly identified its organization and it was his recommendation that the complaint be dismissed. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion to dismiss passed 6-0.

Next order of business: The Board heard testimony from Campaign Finance Director Richard Thornton detailing the complaint against the American Federation of State and Municipal Employees filed by Common Cause Rhode Island for failing to include in their disclaimer the identity of the top five donors. Mr. Thornton noted that since the organization was funding it advocacy through its treasury, the Federation disclaimer properly identified its organization and it was his recommendation that the complaint be

dismissed. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion to dismiss passed 6-0.

Next order of business: The Board heard testimony from Campaign Finance Director Richard Thornton detailing the complaint against the National Association of Realtors filed by Common Cause Rhode Island for failing to name its top five donors and its chief executive officer or equivalent. Mr. Thornton stated that since the organization was funding its advocacy through its treasury and that there are only two officers, the disclaimer was in compliance and recommended that the complaint be dismissed. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion to dismiss passed 6-0.

Next order of business: The Board heard testimony from Campaign Finance Director Richard Thornton detailing the complaint filed by Common Cause Rhode Island against Planned Parenthood Votes! Rhode Island for failing to include in their disclaimer the identity of the top five donors or the name of its chief executive officer or equivalent. The organization when contacted stated it was following the 2010 regulation, but once notified, they amended their filings. Mr. Thornton recommended that they be issued a warning. The Board voted to issue a warning. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion to issue a warning passed 6-0.

Next order of business: The Board heard testimony from Campaign Finance Director Richard Thornton detailing the complaint filed by Common Cause Rhode Island against Progress Rhode Island. Mr. Thornton stated that the organization failed to name its top 5 donors, and report the name of its chief executive officer or equivalent. Mr. Thornton recommended that the Board issue a warning. The Board voted to issue a warning to Progress Rhode Island. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion to issue a warning passed 6-0.

Next order of business: The Board heard testimony on the compliant(s) filed by Newport Grand LLC against Citizens Concerned About Casino Gambling (CCACG). Attorney Daniel Prentiss represented CCACG and Attorney Michael Kelly representing Newport Grand. Initially, CCACG inadvertently failed to obtain employment information and gambling affiliation from donors. CCACG has since amended its reports to include that information for all but two of its donors. The Board voted to issue a warning and order CCACG to be in full compliance by Friday subsequent to further penalties to be imposed if compliance is not reached. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion to issue a warning passed 6-0.

Next order of business: The Board heard testimony on the complaint filed by Citizens Concerned About Casino Gambling against Newport Entertainment and Leisure, LLC

a/k/a Jobs for Newport. Attorney Daniel Prentiss represented CCACG and Attorney Thomas Carter representing Jobs for Newport LLC. The Board ordered that Newport Entertainment and Leisure, LLC a/k/a Jobs for Newport supplement its reports consistent with state law by Friday. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion passed 4-0. Commissioners Joyce and Perry did not participate.

Next order of business: The Board heard the complaint filed by Cianci for Mayor against Priorities PVD. Campaign Finance Director Richard Thornton noted that Priorities PVD had followed 17-25-10(b) rather than the most recent statute 17-25.3 for independent expenditures. He also stated that after he had contacted the organization, it amended its reports in compliance with 17-25.3, including identification of donors and agreed that all future advertisements would include disclaimers and reporting would be within the statutory 24 hours of the expenditure. The Board instructed Priorities PVD to comply with 17-25.3-3 by October 31, 2014. Attorney John Mancini represented the Cianci for Mayor Campaign. Mr. Mancini addressed the Board requesting permission to issue a subpoena to Myrth York of Priorities PVD for purpose of conducting her deposition. Mr. Mancini stated that Ms. York's Priorities PVD organization had not timely complied with portions of the campaign finance laws, and that statements attributed to her and members of her organization, as well as, her donation of \$1,000 to the Elorza Campaign amounted to probable cause that Priorities PVD coordinated its expenditures with the Elorza Campaign, in violation of the campaign finance laws. Commissioner Erickson noted that no evidence of coordination was presented, and that the Cianci Campaign's request for a subpoena amounted to a request to conduct a "fishing expedition." The Board voted to dismiss the petition without prejudice. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Martin Joyce, Rhoda Perry, Stephen Erickson and Frank Rego all voting in the affirmative, no dissenting votes, motion passed 6-0.

Next order of business: The Board voted to certify mail ballots for the 11/4/14 General Election. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Rhoda Perry, Stephen Erickson and Frank Rego all voted in the affirmative, no dissents. Motion passed 5-0.

At 5:09PM. the Board voted to adjourn. Chairman Richard Pierce, Vice-Chairman William West, Commissioners Rhoda Perry, Stephen Erickson and Frank Rego all voted in the affirmative, no dissents. Motion passed 5-0.